

SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes *beyond doubt that the true traditional* boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably *stronger because, apart from the intrinsic merits of the Indian* evidence, in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions, the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand, the Chinese side provided evidence which was scanty, imprecise, of very recent date and entirely inconsistent both in facts and *in arguments*

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and raised any objection to it The Indian side dealt in detail with

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914, when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed, not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok. There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan. The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary. The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section.

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government represented to the Chinese Government in

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary Line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well-known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument. In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance. The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958. However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion. This was to question the veracity of a statement of the Prime Minister and the Indian side took the strongest objection to this. That in fact it was an accurate version of what had occurred is confirmed by several verbal statements and even written communications of the Chinese Government themselves. When the Prime Minister met next in the winter of 1956-57 the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier. Further in every case of Chinese intrusion into Indian areas it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received then or later. It may particularly be noted that in a formal note dated the 21st August, 1958 the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet. In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India 3rd edition of 1956. The Chinese reply of 3rd November 1958, far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys. The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958. When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China. In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check post had been overpowered with loss of life, India was accused of violation of Chinese territory. The next month, in the Western

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own ur lateral convenience when it regards them as "ripe for solution' Indeed, as far back as 1954, China had signed t Five Principle with India If the alignment now claimed by Ch even then regarded as the correct one, to have kept undisc of thi magnitude was contrary to the spirit of mutual and respect for territorial integrity explicitly affirmed Panchsheel India, therefore, had reason to believe that Cl ...d and acquiesced in the traditional Indian al ...ent only now

creating a major boundary question, and [illegible] that China [illegible] to deceive India until September 19[illegible] and then [illegible] openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and therefore required to be negotiated between the two countries and if necessary settled through joint survey. The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side during these discussions had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed on the basis of what was called the well known and precise traditional line the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and indeed, at almost every stage of the discussions the Chinese side referred to the examples of Burma and Nepal which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have of course no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50 000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible unless the Chinese side understood by this process negotiations for large scale adjustments of national territories In fact, however formal delimitation of traditional boundaries is only an optional procedure—for a *traditional* boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position. In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown provides the natural divide between the Indian sub-continent and Tibet. The Sino-Burmese agreement of 1950 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the 'McMahon Line' Agreement in 1914. The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China. So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China.

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the Peoples Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity.

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem. These Points were rejected by the Prime Minister of India as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory. This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment. Neither the insistence that the boundary was not formally delimited, nor the proposal that 'there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. The Indian evidence showed that this traditional boundary had already been delimited through historical process. A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary. The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

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The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

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various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed, not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok. There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that *the Indian side were informed for the first time that* Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought *forward evidence which confirmed the Indian position that the* boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pertaining to

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Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained *the content of India's special relations with* these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to *the text of the interview as published in the Peking Review,* which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well-known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument. In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India, 3rd edition of 1956 The Chinese reply of 3rd November 1958 far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check-post had been overpowered with loss of life, India was accused of violation of Chinese territory The next month, in the Western

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, *provides the natural divide be ween the Indian sub continent* and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for *from this agreement it became clear that there was a traditional* boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence *between this traditional boundary* and that *delimited* in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly *erroneous in the past, for till at least 1953 Chinese maps had shown* at least 25 000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China *presented as examples as well as vindications of her point of view,* only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore had no difficulty in demonstrating that the statements made by the Chinese side the practice of the Chinese Governments in the past and since the establishment of the People s Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12 000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En lai of India s relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand the Chinese side provided evidence which was scanty imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards, away from the watershed line and always *towards India and never towards Tibet* At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments, the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the century This makes it clear that the Aksai Chin Plateau and Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954 and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative Simla Conference of 1914 but was aware of the agreement and raised any objection to it The Indian side dealt in detail

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The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and indeed, even from Chinese sources went to corroborate the Indian alignment Indeed, not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

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Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

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But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan representatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pertaining

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well-known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument. In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements, and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India, 3rd edition of 1956 The Chinese reply of 3rd November 1958, far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check-post had been overpowered with loss of life, India was accused of violation of Chinese territory The next month, in the West

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the *agreements recently concluded* by China with Burma and Nepal confirmed in fundamental res*pects the Indian*, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide be'ween *the Indian sub-continent* and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon *Line" Agreement in 1914 The Sino-Burmese Treaty* also incidentally proves that the Chinese maps had been grossly erroneous in the past, for *till at least 1953* Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not *but prove of embarrassment* to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese *Governments in the past* and since the establishment of the People's Republic, and international Boundary Law precedents, all fully establish that a *traditional boundary, which conforms* to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to *insist* on the *necessity for* such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials *which was to ascertain the true traditional* alignment Neither the insistence that the boundary was not *formally delimited*, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history and sanctified by the laws of nations.

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

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ON THE

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MINISTRY OF EXTERNAL AFFA
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand, the Chinese side provided evidence which was scanty imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

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regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments, the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors, the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with the

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded *by Chinese territory and nowhere near what China considers as* the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

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The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism. In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records. In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment.

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Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

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At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but *whereas the Indian side answered fully all the* questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors, the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914.

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with the

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places. Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok. There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan. The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also the Government of India had, at the request of the Bhutan Government represented to the Chinese Government in matters pertaining [illegible]

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well-known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En lai in 1954. On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements, and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India 3rd edition of 1956 The Chinese reply of 3rd November 1958, far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check-post had been overpowered with loss of life, India was accused of violation of Chinese territory The next month, in the Western

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous *position and in sharp contrast to their long silence, justified and* upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious *truth that it is the bounden duty of a sovereign state, in the protection* of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution" Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one, the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side, during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed, on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and, indeed, at almost every stage of the discussions, the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50,000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People's Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence, in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the *Indian point of view found support in evidence volunteered by the* Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand, the Chinese side provided evidence which was scanty, imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards, away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

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The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument, cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century. This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

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The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted the vast bulk of official and unofficial maps from foreign Indian and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed, not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case. Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly. In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960 both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pertaining to

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim". The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations' However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well-known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument. In answer, Premier Chou En-lai had sought to treat the Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 19[illegible] However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57 the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet. In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India, 3rd edition of 1956. The Chinese reply of 3rd November 1958, far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory; but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check post had been overpowered with loss of life, India was accused of violation of Chinese territory. The next month,

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution" Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one, the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed, on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and, indeed, at almost every stage of the discussions, the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50,000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide be ween the Indian sub-continent and Tibet The Sino-Burmese agreem-nt of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line' Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People's Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained *suggestions for the recognition of the lines* of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes [illegible] did would in effect broadly corroborate the present Indian alignment. Traditional boundaries have an ancient validity and they do not naturally suffer change; and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary.

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary. The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959. The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements. The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations.

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand, the Chinese side provided evidence which was scanty, imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and raised any objection to it The Indian side dealt in detail

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

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Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly. In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan representatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records. In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment.

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan. The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960 both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan Government of India had, at the request of the Bhutan G… represented to the Chinese Government in matters p…

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well-known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument. In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance. The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958. However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion. This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this. That in fact it was an accurate version of what had occurred is confirmed by several verbal statements, and even written communications of the Chinese Government themselves. When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier. Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later. It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet. In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India, 3rd edition of 1956. The Chinese reply of 3rd November 1958, far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys. The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958. When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China. In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check post had been overpowered with loss of life, [illegible] was accused of violation of Chinese territory. The next [illegible] the Western

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they *showed the traditional* boundary of China If the Chinese Government had really regarded this alignment *as ancient and correct, the nature of the replies given* when the Prime Minister of India and the Indian Government raised *this question and the lack of replies to the many Indian notes, part*icularly the note of 21st August 1958, could only be described as *grossly and deliberately misleading*

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as 'ripe for solution" Indeed as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India therefore had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one, the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys. The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed, on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and, indeed, at almost every stage of the discussions, the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50,000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People s Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment been accepted for centuries, but which of the two alignments is ue traditional boundary The telling contrast between the n of consistent and conclusive evidence produced by the Indian nd the sketchy and contradictory material put forward by the se side, leave no doubt that the true boundary is that claimed ia and that no major dispute regarding it existed till Septem-) The majestic arc of the Kuen Lun and the Great Hima- anges forms the most impressive natural boundary in the ias been recognised in tradition and custom for centuries, has ned the limits of administration on both sides and has receiv- firmation, for different sectors at different times, during the 00 years in valid international agreements The facts, there- demand respect for this boundary defined by nature, confirmed story, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The *Report of the Officials of India and China on the Boundary Question* is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries *is that shown by India, and that the Chinese are in unlawful* occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had *constantly* led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand the Chinese side provided evidence which was scanty, imprecise of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards, away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument, cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it. The Indian side dealt in detail with the

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt. Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement. The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country. The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India. But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914, when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment. The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign, Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment. Indeed, not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment.

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own. On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such; and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas. In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration, in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places. Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border. This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements.

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism. In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

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Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim. In the case of Bhutan also, the Government of India had, at the request of the Bhutan represented to the Chinese Government in matte

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Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's *Republic of China registered any protest* regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India 3rd edition of 1956 The Chinese reply of 3rd November 1958 far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check post had been overpowered with loss of life, India was accused of violation of Chinese territory The next month, in the Western

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the Peoples Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the side, leave no doubt that the true boundary is that claimed India and that no major dispute regarding it existed till Septem- 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory. It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India and openly affirmed as such by the Indian Government. Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India. She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim. The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2 400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements. On the other hand the Chinese side provided evidence which was scanty imprecise of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side. While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million. Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with t

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed, not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok. There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed the Chinese side made no claim to the exercise of any form of authority—spiritual secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pertaining to

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En lai in 1954 On that occasion, the Prime Minister had made clear

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Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution" Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side, during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and, indeed, at almost every stage of the discussions the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50,000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People's Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12 000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2 400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand the Chinese side provided evidence which was scanty imprecise of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments, the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India *More than this, there is consistency in fact and argument* cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised *by the people of Ladakh and administered by the* Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction *there and that the traditional boundary had been accepted by* the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic *correspondence, in the Middle Sector formal communications* of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and raised any objection to it The Indian side dealt in detail

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted the vast bulk of official and unofficial maps from foreign Indian and indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector their case consists mostly of unsupported assert ons For the Middle and Eastern Sectors there is no Chinese evidence of tradition and custom as such and the major part of the evidence quoted by them merely pertains to the collect on of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas. In the Eastern Sector the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places. Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof e ther that Chinese administion extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China cons ders as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960 both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pert-

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument. In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements, and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India 3rd edition of 1956 The Chinese reply of 3rd November 1958 far from disputing the Indian alignment or affirming support to the present Chinese stand once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959 when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check post had been overpowered with loss of life, India was accused of violation of Chinese territory The next month, in the Western

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas' and violations of her territorial waters and air space along her eastern sea board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution" Indeed as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one, the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys The Indian side pointed out that they had never contended that the Sino Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side, during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed, on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

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In stressing the importance of formal delimitation and indeed, at almost every stage of the discussions, the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50 000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown provides the natural divide be ween the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the 'McMahon Line" Agreement in 1914 The Sino Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People s Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

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Conclusion

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The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence, in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand the Chinese side provided evidence which was scanty imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments, the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors, the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement *The Chinese side finally resorted to the* allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok. There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited. The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and in the case of Nilang-Jadhang, even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements.

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan. The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of ... 1890 Convention which expressly acknowledged I... for the external relations of Sikkim In the case ... Government of India had, at the request of the ... represented to the Chinese Government in

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide be'w-en the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People's Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the *concepts regarding the formation of traditional* boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand the Chinese side provided evidence which was scanty, imprecise of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was more detailed and

regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession.

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments, the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range, literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the sub-montane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors, the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with the

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt. Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement. The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country. The Indian side pointed out that this was a most objectionable distortion of the well known and clearly established policies of the Government of India. But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers.

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment. The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign, Indian and indeed, even from Chinese sources went to corroborate the Indian alignment. Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment.

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own. On the Western Sector their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas. In the Eastern Sector the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them. As for administration, in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas, the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places. Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border. This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok. There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti, also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang-Jadhang even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan. The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960 both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pertaining to

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first-hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

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It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional *boundary of China* If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution" Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one, the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side, during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and indeed, at almost every stage of the discussions the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have of course no parallel in the boundaries of China with Burma and with Nepal In those cases the boundary alignments were more or less identical and large areas totalling about 50 000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional Indian alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People s Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries has determined the limits of administration on both sides and has receiv- confirmation, for different sectors at different times, during the 300 years in valid international agreements The facts there- re, demand respect for this boundary defined by nature confirmed history, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India and that the Chinese are in unlawful occupation of about 12 000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, *when in fact she had kept undisclosed claims to* about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand, the Chinese side provided evidence which was scanty imprecise of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast the Chinese alignment follows no natural features at all Where the alignments coincide it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example showed that police check posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the sub montane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954 and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line' Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with t

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors, there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side, who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly. In the Middle Sector, the Chinese claim seems to have been inflated even durin

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles.

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies. For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream; but when the Indian side gave the co-ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the coordinates, that Lari was near the point where the Chinese alignment crossed the Indus. Again the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 17th century. The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one. In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries. Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished.

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited. The Indian side pointed out that any such old border disputes extinguished the present Chinese claim. For such border disputes could not exist at such a distance from the alignment at present claimed by China. Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves almost surrounded by Chinese territory and nowhere near what China considers as the traditional boundary.

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet. The Chinese side asserted that Tibet was always a part of and under the sovereign control of China and had had no power to have any dealings with other countries; but at the same time they quoted documents which showed Tibetan representatives holding negotiations as a [illegible] [illegible], and in the case of [illegible], even entering into [illegible] and agreements without any sign of Chinese approval [illegible]. The [illegible] [illegible] was that the Chinese [illegible]

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

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Kashmir, Sikkim and Bhutan

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It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution". Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

creating a major boundary question, and not that China had sought to deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and, indeed, at almost every stage of the discussions, the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50,000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it—and a matter of convenience of the Governments concerned It is but an extra process of confirmation, and in the case of the Sino-Indian boundary it could only be with reference to the traditional alignment

Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide be ween the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side the practice of the Chinese Governments in the past and since the establishment of the Peoples Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. The Indian evidence showed that this traditional boundary had already been delimited through historical process A

line drawn through various nodal points mentioned in evidence which was sometimes centuries old, would, in effect, broadly corroborate the present Indian alignment Traditional boundaries have an ancient validity and they do not naturally suffer change, and the Indian side could not accept the Chinese suggestion that the strength or weakness of the respective Governments, or the effective exercise of military control in the border areas can, in any way, change the boundaries or affect the legitimate title of the countries concerned to the territories on their side of the boundary

Conclusion

The crux of the Sino-Indian boundary question is not the nature of the boundary, because both sides contend that their alignment has been accepted for centuries, but which of the two alignments is the true traditional boundary The telling contrast between the wealth of consistent and conclusive evidence produced by the Indian side and the sketchy and contradictory material put forward by the Chinese side, leave no doubt that the true boundary is that claimed by India and that no major dispute regarding it existed till September 1959 The majestic arc of the Kuen Lun and the Great Himalayan ranges forms the most impressive natural boundary in the world, has been recognised in tradition and custom for centuries, has determined the limits of administration on both sides and has received confirmation, for different sectors at different times, during the last 300 years in valid international agreements The facts, therefore, demand respect for this boundary defined by nature, confirmed by history, and sanctified by the laws of nations

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SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India's relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence, in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand, the Chinese side provided evidence which was scanty, imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates, the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide, it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments, the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China, that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides.

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors, the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914.

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with t

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt. Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well-known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence, the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions For the Middle and Eastern Sectors there is no Chinese evidence of tradition and custom as such and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in [illegible] areas In the Eastern Sector, the evidence pertains solely to small pockets of Buddhist influence close to the traditional [illegible] and not to the alignment claimed by them As for administ[illegible]
in glaring contrast to the Indian side, who had [illegible] cont[illegible]
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tration extended over Aksai Chin or that t[illegible]

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document, and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations, of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed, the Chinese side made no claim to the exercise of any form of authority—spiritual, secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only, however, was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case. Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed, certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and, indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En-lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the talks began that the Indian side were informed for the first time that Barahoti Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the co-ordinates, that Lari was near the point where the Chinese alignment crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed, if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan reprsentatives holding negotiations in attempts to resolve boundary differences, and in the case of Nilang-Jadhang even constituting an international commission, without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government represented to the Chinese Government in matters p

that India's boundaries were well-known and not a matter of argument In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956 57 the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India, 3rd edition of 1956 The Chinese reply of 3rd November 1958 far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check-post had been overpowered with loss of life, India was accused of violation of Chinese territory The next month, in the West

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the traditional boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958, could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution" Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore, had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

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Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet *The Sino-Burmese agreement of 1960 was also shown by* the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

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Conclusion

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Moreover, it was significant, considering the great emphasis laid on them by the Chinese side, that the agreements recently concluded by China with Burma and Nepal confirmed in fundamental respects the Indian, and not the Chinese position In both the cases, the boundary was acknowledged to run along the watershed formed by the same continuing mountain system which, as the Indian side have shown, provides the natural divide between the Indian sub-continent and Tibet The Sino-Burmese agreement of 1960 was also shown by the Indian side to be particularly instructive in its implications, for from this agreement it became clear that there was a traditional boundary between China and Burma in the northern sector running along the Himalayan watershed and that there was an exact coincidence between this traditional boundary and that delimited in the "McMahon Line" Agreement in 1914 The Sino-Burmese Treaty also incidentally proves that the Chinese maps had been grossly erroneous in the past, for till at least 1953 Chinese maps had shown at least 25,000 square miles of Burmese territory as lying within China So the very agreements with Burma and Nepal which China presented as examples as well as vindications of her point of view, only served to vindicate the Indian case and, on analysis, could not but prove of embarrassment to China

The Indian side, therefore, had no difficulty in demonstrating that the statements made by the Chinese side, the practice of the Chinese Governments in the past and since the establishment of the People's Republic, and international Boundary Law precedents, all fully establish that a traditional boundary, which conforms to natural features, and has been accepted in tradition and custom, does not require formal delimitation to establish its sanctity.

But the Chinese officials continued to insist on the necessity for such negotiations and the affirmation of what were claimed by Premier Chou- En-lai as the Six Points of Proximity for the solution of the problem These Points were rejected by the Prime Minister of India, as they contained suggestions for the recognition of the lines of actual control, including the illegal occupation of vast areas of Indian territory This would have destroyed the very basis of the task undertaken by the officials which was to ascertain the true traditional alignment Neither the insistence that the boundary was not formally delimited, nor the proposal that "there existed a dispute", could be permitted to confer legality on the present Chinese claim which, as had been shown, was not justified on the basis of historical evidence and which, in any case, China was precluded from advancing because she had acquiesced in and accepted the Indian alignment. The Indian evidence showed that this traditional boundary had already been delimited through historical process A



SUMMARY

OF THE

REPORT OF THE OFFICIALS

OF THE

GOVERNMENTS OF INDIA

AND THE

PEOPLE'S REPUBLIC OF CHINA

ON THE

BOUNDARY QUESTION

MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA

The Report of the Officials of India and China on the Boundary Question is a document of the utmost importance which establishes beyond doubt that the true traditional boundary between the two countries is that shown by India, and that the Chinese are in unlawful occupation of about 12,000 square miles of Indian territory It also makes clear to the world that right down till September 1959, when it suited her to raise the question, China had constantly led India to believe that she accepted the traditional Indian alignment of the boundary, when in fact she had kept undisclosed claims to about 50 000 square miles of Indian territory, which had long been well recognised as parts of India, and openly affirmed as such by the Indian Government Moreover, China has now come out openly on the Kashmir issue, and declined to recognise the accession of Kashmir to India She has also gone back on the acceptance as recently as April 1960 by Premier Chou En-lai of India s relations with Bhutan and Sikkim The Indian case appears immeasurably stronger because, apart from the intrinsic merits of the Indian evidence, in respect of both the actual evidence produced and of the concepts regarding the formation of traditional boundaries the Indian point of view found support in evidence volunteered by the Chinese side and in past and present Chinese State practice

Manifest Correctness of the Indian Alignment

During the discussions the Indian side furnished a vast and varied amount of material and fully established that the long traditional boundary of over 2,400 miles shown on current Indian maps was clear and precise, conformed to unchanging natural features, had support in tradition and custom as well as in the exercise of administrative jurisdiction right up to it, had been recognised for centuries and had been confirmed in agreements On the other hand the Chinese side provided evidence which was scanty, imprecise, of very recent date and entirely inconsistent both in facts and in arguments

At the start of the discussions, the intrinsic weakness of the Chinese case was exposed by the lack of precise information about the alignment claimed by the Chinese side While the Indian side offered to exchange maps on the standard international scale of one to one million, the Chinese side were unwilling to provide a map of any scale larger than one to five million Further, while the description of the traditional Indian alignment was most detailed as

regards both the natural features and the co-ordinates the description provided by the Chinese side was general and vague Both sides sought further elucidation of the respective alignments during the discussions, but whereas the Indian side answered fully all the questions put to them regarding their alignment, the Chinese side only answered half those put by the Indian side and few even of these answers were precise or complete There was reason to suspect that China refused to specify the exact delineation of her claim, even for segments where her forces are firmly entrenched, and about which precise information was in her possession

The Indian side also demonstrated that the boundary shown by them lay along the main watershed in the region and was the natural dividing line between the two countries In sharp contrast, the Chinese alignment follows no natural features at all Where the alignments coincide it is along the Himalayan watershed line, but when the two alignments differ it is because the Chinese alignment arbitrarily swings westwards and southwards away from the watershed line and always towards India and never towards Tibet At the same time, where the two alignments coincide, it was possible to give the most precise details of the boundary even though it had not been formally delimited

Superiority of Indian evidence

The Report makes clear the overwhelming superiority of the Indian evidence When the two sides produced evidence in support of the stands of their respective Governments the Indian side produced evidence which was almost thrice that of the Chinese side—630 items as against 245 But there was an even greater qualitative than quantitative superiority in the Indian evidence It was more precise, contained definite references to the alignment and to the areas in dispute and provided the strongest possible proof to establish that these areas right up to the boundary were traditionally parts of India More than this, there is consistency in fact and argument cementing the entire fabric of the Indian evidence

The evidence relating to the Western Sector produced by the Indian side showed that at least from the tenth century onwards important points on the present Indian alignment were recognised as the traditional limits of Ladakh on the one hand and Tibet on the other The Indian side also established with the support of a large variety of documents and unofficial maps of different countries including China that at least from the sixth century onwards the southern limits of Sinkiang did not lie south of the Kuen Lun ranges and only reached up to these ranges towards the end of the 19th century This makes it clear that the Aksai Chin Plateau and the Lingzi Tang plains were never a part of China. There was also

documentary evidence establishing that these areas had been utilised by the people of Ladakh and administered by the Governments of Ladakh and Kashmir One significant document, for example, showed that police check-posts had been maintained by the Kashmir Government in the northern Aksai Chin area as far back as in 1865 There are also a continuous series of revenue and assessment reports covering in detail all the areas now claimed by China Trade routes running through this area were maintained by the Kashmir Government and in 1870 the British Indian Government signed an agreement with the Government of Kashmir securing permission to survey the trade routes in these areas

In the Middle Sector, the Indian evidence showed that, apart from the natural and geographical basis of the high Himalayan watershed range, literary and religious tradition and ancient chronicles corroborated the Indian alignment in a surprisingly precise way The areas now claimed by China were also, from the beginning of history, parts of Indian kingdoms and were administered by Indian rulers Innumerable contemporary records and accounts of explorers and travellers of the last 150 years testified that the boundary in this sector lay along the Himalayan watershed The Indian side also cited a wealth of consistent and continuous evidence for each of these areas in dispute to establish that Indian authorities had always exercised effective administration and civil jurisdiction there and that the traditional boundary had been accepted by the authorities of both sides

In the Eastern Sector, the Indian side showed that the submontane region had been repeatedly and explicitly mentioned in ancient chronicles as a part of India, and that it had been administered continuously by Indian dynasties A mass of evidence was also cited to show that since 1828 Indian political authority has been exercised continuously over this area

For all the three sectors the Indian side also proved that the traditional boundaries had received the sanction of treaties—in the Western Sector the treaties of 1684 and 1842 and subsequent diplomatic correspondence, in the Middle Sector formal communications of 1890 1914 and 1950 and the Agreement of 1954, and in the Eastern Sector the formalisation of the boundary in 1914

The discussion on the validity of the "McMahon Line" Agreement is particularly of interest The traditional boundary had been confirmed in a bilateral instrument signed by the Plenipotentiaries of Indian and Tibet, China had not only acknowledged the equal and plenipotentiary status of the Tibetan representative at the Simla Conference of 1914 but was aware of the agreement and never raised any objection to it The Indian side dealt in detail with

various arguments brought forward by the Chinese side questioning this agreement and proved that its legality was above doubt Among the documents brought forward by the Indian side is a note presented by the Government of China in 1947 recognizing the validity of this agreement The Chinese side finally resorted to the allegation that India regarded Tibet as an independent country The Indian side pointed out that this was a most objectionable distortion of the well known and clearly established policies of the Government of India But the present status and powers of Tibet should obviously not be projected backwards or allowed to colour the nature of the relations subsisting between China and Tibet in 1914 when Tibet enjoyed treaty making powers

The Chinese officials sought to suggest that India had few or no maps to support the Indian alignment The analysis of the evidence of maps and surveys furnished by the two sides, however, clearly shows that while the Chinese side had cited very few maps and even these had been erroneously interpreted, the vast bulk of official and unofficial maps from foreign Indian, and, indeed, even from Chinese sources went to corroborate the Indian alignment Indeed not a single official Chinese map published prior to 1950 was cited by the Chinese side in support of the Chinese alignment

Inadequacy of Chinese Evidence

Faced with this enormous array of Indian evidence the Chinese side could neither refute it nor produce any comparable evidence of their own On the Western Sector, their case consists mostly of unsupported assertions. For the Middle and Eastern Sectors there is no Chinese evidence of tradition and custom as such, and the major part of the evidence quoted by them merely pertains to the collection of religious dues or the exercise of religious superintendence over monasteries and the Buddhist believers in small areas In the Eastern Sector, the evidence pertains solely to three small pockets of Buddhist influence close to the traditional border and not to the alignment claimed by them As for administration in glaring contrast to the Indian side who had produced continuous revenue and tax records and other official archives stretching over centuries for all the disputed areas the Chinese side produced only one or two documents of an occasional and vague nature pertaining to a few odd places Only one recent document was produced as proof that Sinkiang had exercised administrative authority over the whole Aksai Chin area—and that too concerned the projected establishment of an administrative sub-division with headquarters north of the border This was no proof either that Chinese administration extended over Aksai Chin or that the sub-division was ever

established and exercised jurisdiction Tibetan administration of a large area of Ladakh was sought to be established by a solitary document showing the collection of produce from a private estate in Demchok There was not a single revenue or any other form of regular administrative record for the whole Western Sector In the Middle Sector, for Spiti there was only one monastic record of religious superintendence, for Shipki the only evidence of so-called administration was a recent affirmation by private individuals, and for Nilang Jadhang only two documents separated by 170 years were cited, and even these showed only that transit and trade dues had been paid by Indian citizens proceeding to Tibet For Barahoti also the only evidence was a similar nature In the Eastern Sector, there was only one document and that only mentioned a stream in the Walong area to support the Chinese claim of continuous jurisdiction over the vast area There was no evidence of any revenue collection, of survey operations of administration of cultivated valleys or of construction of public works in the inhabited areas and no mention whatsoever of any of the tribes who inhabit this region Indeed the Chinese side made no claim to the exercise of any form of authority—spiritual secular or political—over the vast majority of the inhabitants of these areas south of the Himalayan range

Weaknesses of the Chinese Case

Not only however was the Chinese evidence meagre and inconclusive in its content, there were also certain fundamental irrelevancies and contradictions in the facts and logic of the Chinese case Many of the documents furnished by the Chinese side had no direct relevance to the Chinese alignment or border points along it, or to the areas claimed by China Indeed certain items contradicted the Chinese stand One of the most striking sections of the Indian Report is that wherein it is demonstrated that the traditional Indian alignment is confirmed by much of the evidence cited by the Chinese side and indeed, stood proven, even if the many hundreds of documents produced by the Indian side were ignored In addition, authoritative definitions of the areas claimed reveal basic contradictions Recent Chinese maps have shown a bewildering variety of delineations of the alignment For example, the alignment in the Western Sector shown on the map provided by the Chinese officials at these meetings was very different to the alignment shown on the Chinese map of 1956 which Premier Chou En lai himself had upheld as showing the boundary in this sector correctly In the Middle Sector, the Chinese claim seems to have been inflated even during

the course of the discussions, for it was only five weeks after the *talks began that the Indian side were informed for the first time that* Barahoti, Sangchamalla and Lapthal were not separate units comprising about 10 to 15 square miles, as had been asserted by the Chinese Government till then, but parts of one large composite area of approximately 300 square miles

More damaging to the Chinese case than even these irrelevancies, ambiguities, unsubstantiated assertions and factual contradictions are the logical inconsistencies For example, the Chinese side brought forward evidence which confirmed the Indian position that the boundary near Demchok lay at the Lari stream, but when the Indian side gave the co ordinates of this point and showed that this destroyed the Chinese claim that the boundary lay much further west of Demchok, the Chinese side merely asserted, without providing the *co-ordinates, that Lari was near the point where the Chinese alignment* crossed the Indus Again, the Chinese side affirmed repeatedly that Ladakh had been a part of Tibet till the middle of the 19th century The Indian side pointed out that if this were true, it destroyed the Chinese contention that the alignment between Ladakh and Tibet claimed by them was an ancient and traditional one In fact, the Chinese side had themselves brought forward evidence which showed that Ladakh had been independent of Tibet even in the 17th and 18th centuries Nothing was more embarrassing to the Chinese contention about the status of Ladakh than the evidence they themselves furnished

The Chinese side also repeatedly referred to minor disputes on the border to show that the boundary had not been formally delimited The Indian side pointed out that any such old border disputes extinguished the present Chinese claim, for such border disputes could not exist at such a distance from the alignment at present claimed by China Indeed if the Chinese alignment were correct, these small disputed areas would be little enclaves entirely surrounded by Chinese territory and nowhere near what China considers as the international boundary

But perhaps the most striking contradiction in the Chinese case was as regards the status of Tibet The Chinese side asserted that Tibet was always a part of, and under the sovereign control of China and had had no right to have any dealings with other countries, but at the same time they quoted disputes which showed Tibetan representatives holding negotiations in attempts to resolve boundary differences, and, in the case of Nilang Jadhang even constituting an international commission without any trace of Chinese presence or concurrence The curious result was that the Chinese side referred

to Indo-Tibetan boundary discussions produced Tibetan documents and quoted Tibetan claims in frontier areas even while they vehemently asserted that Tibet never had any right to discuss these matters with her neighbours or to conclude boundary agreements

The Chinese officials made a vain attempt to dismiss a vast wealth of evidence on the ground that it came from British sources and merely represented the ambitions of British Imperialism In fact, the Chinese side themselves tried to seek support for their stand from British official and non-official records In any case, no evidence was brought forward by them even from confidential records of the time, now accessible to the public, to prove that the British had intended deliberately to push forward the traditional boundaries In fact, for every segment, the Indian side brought forward evidence which either pre-dated British rule in India, or was derived from French, German and Italian sources,—countries which at that time, sought to dispute British hegemony in the world Apart from these independent sources, for every sector the Indian officials had also cited evidence from Chinese sources themselves, to corroborate the Indian alignment

Kashmir, Sikkim and Bhutan

Throughout the discussion, the Chinese side declined to discuss questions pertaining to the boundary of Kashmir State west of the Karakoram Pass and to the northern boundaries of Sikkim and Bhutan The refusal to discuss the boundary west of the Karakoram Pass was tantamount to questioning the legality of the accession of the State of Jammu and Kashmir to India The Indian side pointed out categorically that Kashmir was a part of India and it was a legitimate responsibility of the Government of India to deal with this sector along with other sectors of the Sino-Indian boundary The Indian side, therefore, placed on record, in the broadest outline, the evidence supporting the alignment shown by India in this section

Similarly, the Indian side left no doubt that the boundaries of Sikkim and Bhutan with Tibet were the legitimate responsibility of the Government of India and within the purview of these talks Even prior to the meetings of the two Prime Ministers in April 1960, both Governments had exchanged view on matters relating to the boundaries of these States In the case of Sikkim, the Chinese Government had categorically recognised the continuing validity of the 1890 Convention which expressly acknowledged India's responsibility for the external relations of Sikkim In the case of Bhutan also, the Government of India had, at the request of the Bhutan Government, represented to the Chinese Government in matters pertaining to

Bhutan's boundary and her interests in Tibet The attitude of the Chinese side was most surprising because the Government of India had frequently explained the content of India's special relations with these two States, and Premier Chou En-lai had stated at his press conference at Delhi on 25th April 1960 that "China respects India's relationship with Bhutan and Sikkim" The Chinese side referred to the text of the interview as published in the *Peking Review*, which amended the assurance by adding the adjective "proper" before "relations" However, not only several first hand and independent textual records but also a tape-recording of what Premier Chou En-lai had said were available, and there was no doubt that he had given a categorical and unqualified assurance capable of no other interpretation than as an unconditional acceptance of India's position with regard to these two States

Chinese Acceptance of Indian Alignment

China now asserts that the boundary claimed by her has always been held as the true traditional, customary line But the Indian side have made abundantly clear that far from China having never recognised the present Indian alignment, she had never disputed this well-established and openly proclaimed boundary till September 1959 From the 19th century onwards, the Government of India had been very active in all the areas right upto the boundary, and several legislative enactments and official documents had clearly recorded these areas as parts of India Ever since the attainment of independence by India in 1947 and the promulgation two years later of the People's Republic of China, the well known limits of Indian territory had on many occasions been publicly and authoritatively affirmed by the Government of India The Indian Constitution, which was openly discussed at the draft stage for many years, makes specific mention of vast areas claimed by China Besides, even according to the Chinese side, there was no ambiguity about the alignment shown on Indian official maps since 1954 But at no stage had the People's Republic of China registered any protest regarding any of these authoritative documents and statements

It was also noteworthy that on every occasion that the erroneous depiction of the boundary alignment on Chinese maps came to the notice of the Government of India, prompt action had been taken to bring it to the attention of the Chinese authorities The Chinese Government themselves, in their note of 26 December 1959, had acknowledged that it was the Prime Minister of India who had raised the question of Chinese maps in his discussions with Premier Chou En-lai in 1954 On that occasion, the Prime Minister had made clear

that India's boundaries were well-known and not a matter of argument In answer, Premier Chou En-lai had sought to treat these Chinese maps, which he said the Chinese Government had had no time to revise, as of little significance The Prime Minister of India stated the substance of these talks in his letter of 14 December, 1958 However, after the substantive discussions were completed, the Chinese side described the Prime Minister's account of what had taken place at that meeting as a distortion This was to question the veracity of a statement of the Prime Minister, and the Indian side took the strongest objection to this That in fact it was an accurate version of what had occurred is confirmed by several verbal statements, and even written communications, of the Chinese Government themselves When the Prime Minister met next in the winter of 1956-57, the Prime Minister of India once again brought this question of erroneous Chinese maps to the attention of the Chinese Premier Further, in every case of Chinese intrusion into Indian areas, it was the Government of India which had promptly protested, but no replies in respect of any of the areas except one of the Indian notes were received, then or later It may particularly be noted that in a formal note dated the 21st August, 1958, the Government of India specifically drew attention to the erroneous Chinese maps and specified the broad extent of the error in the delineation of the boundary in the Eastern, Middle and Western sectors and also the depiction of a part of Bhutan as within Tibet In the same note the Government of India affirmed that the correct boundaries of India were as shown in the Political Map of India, 3rd edition of 1956 The Chinese reply of 3rd November 1958, far from disputing the Indian alignment or affirming support to the present Chinese stand, once again suggested that the alignment in the Chinese map was based on old maps which would be corrected in due course after fresh consultations and surveys The Chinese Government did not even bring to the attention of the Government of India their understanding of the boundary alignment when Indian personnel were apprehended in Aksai Chin in September 1958 When the Indian Government took up the matter, the Chinese Government alleged that Indian personnel had intruded into Chinese territory, but they still did not indicate the exact delineation of the boundary as conceived by China In the summer of 1959, when the Indian Government took the precaution of informing the Chinese Government of their intention to drop a doctor by parachute into Longju lest the aircraft fly inadvertently over the traditional boundary, the Chinese Foreign Office replied that it was unnecessary to bring activities over Indian territory to their notice, but only five weeks later after the same check-post had been overpowered with loss of life, India was accused of violation of Chinese territory. The next month, in the W...

Sector, the Chinese Government did not demur to an exact definition with precise co-ordinates of the traditional Indian alignment in the Lanak La-Spanggur sector, but after the Khongka Pass incident, the Chinese version of the alignment was affirmed with vigour and Indian personnel accused of wilful intrusion into Chinese territory

It was only in September 1959, five years after the Indian Government had first raised the question of Chinese maps, that the Chinese Government, in glaring contradiction to their previous position and in sharp contrast to their long silence, justified and upheld these maps and claimed that they showed the *traditional* boundary of China If the Chinese Government had really regarded this alignment as ancient and correct, the nature of the replies given when the Prime Minister of India and the Indian Government raised this question and the lack of replies to the many Indian notes, particularly the note of 21st August 1958 could only be described as grossly and deliberately misleading

This absence of affirmation has obvious legal consequences Having failed, in the face of open declarations and direct communications by the Government of India, to specify her claim or to protest, there is no doubt that under the accepted canons of international usage, China must be held to have accepted and acquiesced in the Indian alignment and to be estopped from raising claims to Indian territory A sovereign State cannot tacitly reserve its rights on such national issues as boundary matters The Chinese state practice itself regarding "Two Chinas" and violations of her territorial waters and air space along her eastern sea-board illustrates the obvious truth that it is the bounden duty of a sovereign state, in the protection of its national interests, to challenge any action or statement that adversely affect these interests But it is not only a matter of international law Friendly relations between countries presume a frank and forthright exchange of views in such vital matters concerning national territories, and it would unsettle the very basis of trust and amity between nations if such vast territorial claims are kept undisclosed and brought forward by a country at its own unilateral convenience when it regards them as "ripe for solution". Indeed, as far back as 1954, China had signed the Five Principles with India If the alignment now claimed by China were even then regarded as the correct one, to have kept undisclosed claims of this magnitude was contrary to the spirit of mutual confidence and respect for territorial integrity explicitly affirmed in the Panchsheel India, therefore had reason to believe that China had accepted and acquiesced in the traditional Indian alignment and was only now

eating a major boundary question, and not that China had sought deceive India until September 1959 and then for the first time had openly disclosed her claims to Indian territory

Validity of Indian Boundary

Unable to establish that the alignment shown by them was the true traditional one, the Chinese side sought refuge in the contention that the boundary between the two countries had not been formally delimited and, therefore, required to be negotiated between the two countries and if necessary, settled through joint surveys. The Indian side pointed out that they had never contended that the Sino-Indian boundary had been formally delimited, but they had no difficulty in showing that the traditional boundary was by itself valid and required no further or formal definition Even the Chinese side, during these discussions, had recognised the superfluity of formal definition and had themselves exposed the basic contradiction in what was said to be the most fundamental aspect of their stand Indeed, on the basis of what was called the well-known and precise traditional line, the Chinese Government had not hesitated to arrest Indian nationals a few hundred yards from the claimed alignment or to take action which led to the wanton loss of Indian lives in 1959 in the Kongka Pass area

Agreements with Burma and Nepal

In stressing the importance of formal delimitation and, indeed, at almost every stage of the discussions, the Chinese side referred to the examples of Burma and Nepal, which had recently concluded boundary agreements with China The differences between the Indian and Chinese Governments regarding their common boundary have, of course, no parallel in the boundaries of China with Burma and with Nepal In those cases, the boundary alignments were more or less identical and large areas totalling about 50,000 square miles were not involved With such vast discrepancies between the Indian and Chinese alignments, no demarcation, joint surveys or agreed definition as part of formal delimitation was possible, unless the Chinese side understood by this process negotiations for large-scale adjustments of national territories In fact, however, formal delimitation of traditional boundaries is only an optional procedure—for a traditional boundary is valid without it ' a matter of convenience of the Governments concerned It extra process of confirmation, and in the case of the boundary it could only be with reference to the alignment